

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 1
FOR THE REGULAR MEETING OF
MONDAY, OCTOBER 4, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

SPECIAL ORDERS OF BUSINESS

ITEM-S400: Rancho Peñasquitos Lightning Day.

COUNCILMEMBER PETERS’ RECOMMENDATION:

Adopt the following resolution:

(R-2005-348)

Proclaiming the day of October 4, 2004, to be “Rancho Peñasquitos Lightning Day” in the City of San Diego in recognition of the Lightning’s amazing accomplishment.

ITEM-S401: San Diego World Affairs Council Day.

COUNCILMEMBER MAIENSCHIN’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-361)

Recognizing the outstanding dedication and service of the San Diego World Affairs Council to the people of San Diego;

Proclaiming October 4, 2004, to be “San Diego World Affairs Council Day” in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEM

RESOLUTIONS:

* ITEM-S402: Junior League of San Diego Day.

COUNCILMEMBER MAIENSCHIEIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-305)

Recognizing the Junior League of San Diego for their extraordinary service to the people of San Diego;

Proclaiming October 8, 2004, to be "Junior League of San Diego Day" in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEM

RESOLUTIONS:

ITEM-S403: Amendments to the Covenants, Conditions, and Restrictions for the Ballpark Project and East Village Square.

(Downtown and East Village Community Areas. Districts-2 and 8.)

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-360)

Authorizing and directing the City Manager to execute certain Covenants, Conditions and Restrictions (CC&Rs);

Authorizing and directing the City Manager to take such other further actions, and negotiate, prepare and execute such documents, as may be necessary or appropriate to implement the intent and purposes of this resolution, the Ordinance, the MOU, the First Implementation Agreement, the Second Implementation Agreement, the Third Implementation Agreement or Fourth Implementation Agreement, consistent with the rights and obligations of the City pursuant to the Ordinance, MOU, Implementation Agreement, Second Implementation Agreement, Third Implementation Agreement, and Fourth Implementation Agreement, and their authorizing ordinances and resolutions.

SUPPORTING INFORMATION:

On January 31, 2000, by Resolution No. R-292700, the City Council approved Covenants, Conditions, and Restrictions (CC&Rs) governing the relationships between the owners of the Ballpark and the Outfield Park (the City and the Padres) and the parcels surrounding the project to be privately developed (now known as East Village Square). The CC&Rs were not executed at that time as the parties anticipated that revisions would be necessary depending upon the final configuration of East Village Square. The Redevelopment Agency did not approve the CC&Rs because it was not anticipated that the Agency would hold an ownership interest requiring execution of the CC&Rs.

Following the considerable debate and controversy surrounding the configuration of the Outfield Park and East Village Square, on August 5, 2003, the City Council adopted Resolution No. R-298312, and the Agency adopted Resolution No. RA-03668, which approved the Fourth Ballpark and Redevelopment Project Implementation Agreement, providing for modifications to the parcelization for both East Village Square and the Outfield Park.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEM (Continued)

RESOLUTIONS: (Continued)

ITEM-S403: (Continued)

SUPPORTING INFORMATION: (Continued)

On December 2, 2003, the City Council adopted Resolution No. R-298678 and the Agency adopted Resolution No. RA-03696 approving the East Village Square Master Plan, which provides explicit development regulations for East Village Square. Those parcel modifications and development regulations are being embodied in Disposition and Development Agreements for the various parcels in East Village Square surrounding the Outfield Park, but the parcel modifications and development regulations also required changes in the CC&Rs.

The necessary modifications to the CC&Rs have been negotiated and are concurrently before the City Council and Redevelopment Agency for approval. The modifications only implement the changes made to the configuration and development regulations of East Village Square and the Outfield Park as previously approved by the City Council and Redevelopment Agency, and are consistent with the rights and obligations of the City and Padres as set forth in the MOU for the Ballpark Project. Upon recordation, the CC&Rs will bind future owners even though the Agency's ownership interests will cease. With respect to the obligations of East Village Square parcel owners under the CC&Rs, no financial obligations of any kind are incurred by the City or Agency while the Agency is in ownership of a parcel.

Ewell/Girard